



PUBLIC NOTICE

Federal Communications Commission
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**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON
M2M SPECTRUM NETWORKS PETITION FOR RULEMAKING TO ALLOW SPECIALIZED
MOBILE RADIO SERVICES OVER 900 MHz BUSINESS/INDUSTRIAL LAND
TRANSPORTATION FREQUENCIES**

RM-11755

Comment Date: September 21, 2015
Reply Comment Date: October 6, 2015

On June 26, 2015, M2M Spectrum Networks, LLC (M2M) filed a Petition for Rulemaking requesting that the Commission open a rulemaking proceeding to allow use of 896-901/935-940 MHz (900 MHz) Business/Industrial/Land Transportation (B/ILT) channels to provide for-profit service to B/ILT eligibles.¹ The 900 MHz band consists of 399 narrowband (12.5 kilohertz) channels grouped into ten-channel blocks that alternate between Specialized Mobile Radio (SMR) blocks that are geographically licensed by Major Trading Area and B/ILT blocks in which channels are assigned on a site-by-site basis. Section 90.617(c) of the Commission's rules provides that SMR systems will not be authorized on 900 MHz B/ILT channels.² 900 MHz B/ILT licensees may, however, modify their licenses to authorize use of the channels for commercial operation, or transfer or assign their licenses to others authorized to offer service on a commercial basis.³

By this *Public Notice*, we seek comment on the Petition for Rulemaking. M2M proposes that Section 90.617(c) be amended to permit SMR systems on 900 MHz B/ILT channels provided that the end-users are B/ILT-eligible. Commenters that support permitting for-profit service to third-party B/ILT eligibles on 900 MHz B/ILT channels should discuss whether the proposed rule amendment is the best approach, or whether other or additional rule changes should be made, such as redesignating the 900 MHz B/ILT channels as General Category channels.

More generally, commenters should address whether use of 900 MHz channels to provide for-profit service to B/ILT eligibles is desirable, the effect that such a rule change would have on the availability of 900 MHz B/ILT spectrum for traditional B/ILT users, and the extent to which such for-profit operations already may exist despite the prohibition in Section 90.617(c).

Finally, commenters are asked to address whether the M2M proposal is compatible with the

¹ Petition for Rulemaking of M2M Spectrum Networks, LLC, filed June 26, 2015.

² 47 C.F.R. § 90.617(c). SMR systems are defined as those "in which licensees provide land mobile communications services (other than radiolocation services) in the 800 MHz and 900 MHz bands on a commercial basis to entities eligible to be licensed under this part, Federal Government entities, and individuals." 47 C.F.R. § 90.7.

³ 47 C.F.R. § 90.621(f).

petition for rulemaking filed November 14, 2014 by the Enterprise Wireless Alliance and Pacific DataVision, Inc., proposing that the 900 MHz band be divided into a 3/3 MHz broadband segment (898-901/937-40 MHz) and a 2/2 MHz narrowband segment (896-98/935-37 MHz).⁴

Procedural Matters

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁵

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation

⁴ See Wireless Telecommunications Bureau Seeks Comment on Enterprise Wireless Alliance and Pacific DataVision, Inc. Petition for Rulemaking Regarding Realignment of 900 MHz Spectrum, *Public Notice*, RM-11738, 29 FCC Rcd 14424 (WTB MD 2014); Wireless Telecommunications Bureau Seeks Comment on Supplement to Enterprise Wireless Alliance and Pacific DataVision, Inc. Petition for Rulemaking Regarding Realignment of 900 MHz Spectrum, *Public Notice*, RM-11738, 30 FCC Rcd 4763 (WTB MD 2015).

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

⁶ See 47 C.F.R. §§ 1.1200(a), 1.1206.

consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).

In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Stana Kimball of the Mobility Division, Wireless Telecommunications Bureau, at (202) 418-1306 or via e-mail at stanislava.kimball@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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